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Before the  
Federal Communications Commission  
Washington, D.C. 20554

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SEP 28 2004

Federal Communication Commission  
Bureau/Office

In the Matter of )  
)  
Amendment of Section 73.202(b), )  
Table of Allotments, FM Broadcast Stations )  
(Levan and Richfield, Utah) )

MB Docket No. 04-258  
RM-11000

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OCT - 7 2004

To: Assistant Chief, Audio Division

**REPLY COMMENTS OF MID-UTAH RADIO, INC.**

Federal Communications Commission  
Office of the Secretary

Mid-Utah Radio, Inc. ("Mid-Utah"), licensee of Station KCYQ, Richfield, Utah,  
by its undersigned counsel, hereby submits brief reply comments in the above captioned  
proceeding.

1. To Mid-Utah's knowledge, the only party that filed Comments in this  
proceeding, other than Mid-Utah, was petitioner Micro Communications, Inc. ("Micro").  
Accordingly, this Reply is limited to the Comments of Micro filed on September 13,  
2004.

2. Micro devoted its Comments to an effort to counter the showing in Mid-Utah's  
August 30, 2004 Opposition and Request for Expedited Rescission of Notice of Proposed  
Rulemaking and Order to Show Cause (the "Opposition") that Micro's underlying  
Petition was fatally defective. As will be shown below, Micro's effort to salvage its  
Petition falls short of the mark. Moreover, Mid-Utah will demonstrate that Micro's  
attempt to deflect attention from its proposal's defect by contending that Mid-Utah is  
nearly ready to commence operations from its construction permit site completely fails  
because the assertion is not only outrageously presumptuous, it is also false.

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3. First, with respect to the defect in Micro's Petition , i.e., its the failure to demonstrate that KCYQ can operate on Channel 244C from its licensed transmitter site in compliance with the Commission's minimum spacing requirements, Mid-Utah now recognizes and concurs with Micro that the former allotment of Channel 246A to Beaver, Utah, no longer presents a concern in that regard. Importantly, however, the short-spacing to Channel 244C at Mesquite, Nevada, that would result remains an insurmountable obstacle that Micro's Comments have not cured.

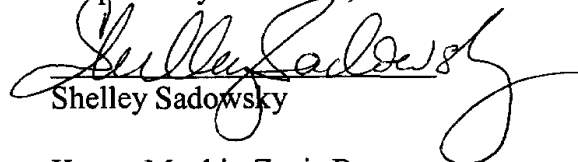
4. Although Micro acknowledges that Channel 244C at Mesquite, Nevada, is one of the channels included in the upcoming Auction No. 37, it completely ignores the fact that since June 7, 2004, a freeze has been imposed on petitions or counterproposals to amend the FM Table of Allotments that propose, inter alia, a change in reference coordinates for any of the vacant, non-reserved band FM allotments scheduled for auction. See Public Notice DA 04-1642, released June 7, 2004 (hereafter, "Freeze Notice"). Thus, while Micro attempts to cure the short-spacing to Channel 244C, Mesquite, Nevada, by proposing new allocation coordinates for same, that proposal was improperly submitted in direct violation of the Freeze Notice, and must be rejected. Thus, the proposal to modify the FM Table of Allotments by allocating Channel 244C to Richfield, and modifying KCYQ's license accordingly, still remains as defective as it was on the day that Micro's Petition was filed.

5. As for Micro's assertions that "Mid-Utah already appears to have installed nearly all of the facilities needed to construct its permit for KCYQ, and so presumably completion is imminent, with licensing soon to follow" (Micro Comments at ¶8), it simply is not true. The only broadcast facilities that Micro or its consulting engineer

could have actually observed at the KCYQ permit site are the licensed facilities of Station KLGL(FM), Richfield, Utah, owned by Sanpete County Broadcasting Co. Contrary to Micro's presumptions, absolutely no construction under KCYQ's construction permit has commenced. Thus, Micro's implicit argument that the Commission need not be concerned about the fact that KCYQ could not operate on Channel 244C from its licensed facilities in compliance with minimum spacing requirements is wholly without merit.

6. Finally, Mid-Utah respectfully submits that the Commission is presented with only two possible choices in this proceeding - - either to rescind the NPRM for the reasons stated in Mid-Utah's Opposition and herein, or, to create an exception to its criteria for acceptance of proposals for modification of the FM table of Allotments given that this proceeding has continued into the pleadings stage, and adopt the modifications to the FM Table of Allotments proposed in Mid-Utah's Comments and Counterproposal. Without question, even if Micro's proposal were free of its defect, Mid-Utah's Counterproposal offers a clearly preferred arrangement of the FM Table of Allotments to that proposed by Micro. Thus, if this proceeding is not terminated, for the reasons set forth in Mid-Utah's Comments and Counterproposal, Mid-Utah's Counterproposal should be adopted.

Respectfully submitted,

  
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Dated: September 28, 2004

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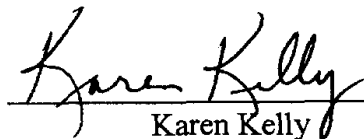
**CERTIFICATE OF SERVICE**

I, Karen Kelly, hereby certify that on this 28th day of September, 2004, a copy of the foregoing **Reply Comments of Mid-Utah Radio, Inc.** was sent via hand delivery and e-mail or first class mail and e-mail, as indicated below, to the following:

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